

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JEFFREY P. ALBERT,

Plaintiff(s),

v.

KOHL'S INC.,

Defendant(s).

Civil Action 2:20-cv-4086

Judge Sarah D. Morrison

Chief Magistrate Judge Elizabeth P. Deavers

PRELIMINARY PRETRIAL ORDER

This matter came before the Court on September 15, 2020 at 10:00 a.m. at the First Pretrial Conference pursuant to notice and in accordance with Rule 16 of the Federal Rules of Civil Procedure. Counsel appeared as follows:

For Plaintiff(s):

Kenneth J. Ignozzi.

For Defendant(s):

Nicholas P. Resetar.

The following matters were considered:

INITIAL DISCLOSURES

Initial disclosures shall be made by **OCTOBER 1, 2020**.

VENUE AND JURISDICTION

There are no issues related to venue or jurisdiction.

PARTIES AND PLEADINGS

Any motion to amend the pleadings or to join additional parties shall be filed by **NOVEMBER 2, 2020**.

ISSUES

Plaintiff was a business invitee at Kohl's in Delaware County. As he exited the store, the automatic doors opened and he tripped over baskets that were negligently placed outside the designated shelf, causing a rotator cuff tear and bicipital tendon injury that required surgery. Kohl's denies negligence. There is a jury demand.

DISCOVERY PROCEDURES

All discovery shall be completed by **MAY 31, 2021**. For purposes of complying with this order, all parties shall schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date, and shall file any motions relating to discovery within the discovery period unless it is impossible or impractical to do so. If the parties are unable to reach an agreement on any matter related to discovery, they are directed to arrange a conference with the Court.

DISPOSITIVE MOTIONS

Any dispositive motions shall be filed by **JUNE 30, 2021**.

EXPERT TESTIMONY

Primary expert reports must be produced by **AUGUST 2, 2021**. Rebuttal expert reports must be produced by **SEPTEMBER 2, 2021**. If the expert is specifically retained, the reports must conform to Fed. R. Civ. P. 26(a)(2)(B), unless otherwise agreed to by the parties. If the expert is not specifically retained, the reports must conform to Fed. R. Civ. P. 26(a)(2)(C), unless otherwise agreed to by the parties. Pursuant to Fed. R. Civ. P. 26(b)(4)(A), leave of court is not required to depose a testifying expert.

SETTLEMENT

Plaintiff shall make a settlement demand by **OCTOBER 1, 2020**. Defendants shall respond by **NOVEMBER 2, 2020**. The parties agree to make a good faith effort to settle this case. The parties understand that this case will be referred to an attorney mediator, or to the Magistrate Judge, for a settlement conference in April 2021. In order for the conference to be meaningful, the parties agree to complete all discovery that may affect their ability to evaluate this case prior to the settlement conference. The parties understand that they will be expected to comply fully with the settlement order which requires *inter alia* that settlement demands and offers be exchanged prior to the conference and that principals of the parties attend the conference.

OTHER MATTERS

None.

If the foregoing does not accurately record the matters considered and the agreements reached at the conference, counsel shall immediately object in writing. If any date set in this order falls on a Saturday, Sunday or legal holiday, the date is automatically deemed to be the next regular business day.

IT IS SO ORDERED.

Date: September 15, 2020

/s/ Elizabeth A. Preston Deavers

ELIZABETH A. PRESTON DEAVERS

CHIEF UNITED STATES MAGISTRATE JUDGE